

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

EMMA BOWAR,

Plaintiff,

v.

THE CITY OF EL PASO et al.,

Defendants.

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CAUSE NO. EP-21-CV-257-KC

ORDER

On this day, the Court considered the above-captioned case. On September 16, 2022, all remaining parties—Plaintiff and Defendant City of El Paso—filed a Joint Report, ECF No. 47, informing the Court that they did not reach a full settlement agreement during mediation. While “the parties successfully resolved and settled all claims and causes of action,” they “could not come to an agreement on settlement regarding Plaintiff counsel’s attorney’s fees.” *Id.* at 1.

Applicable federal law leaves questions regarding attorney’s fee awards to the discretion of the Court, rather than a jury. *See* 42 U.S.C. § 1988; *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 558 (2010) (“Determining a ‘reasonable attorney’s fee’ [in certain civil rights actions] is a matter that is committed to the sound discretion of a trial judge.”).

Because the parties have resolved all other issues in mediation, the Court will dismiss all claims other than those related to attorney’s fees unless the parties submit final closing papers **on or before October 21, 2022**. The dismissal will be without prejudice to the rights of any party thereto to move within thirty days thereafter to reopen if settlement has not, in fact, been consummated.

IT IS FURTHER ORDERED that the Trial Preparation Order, ECF No. 26, and all deadlines established therein are **VACATED**.

IT IS FURTHER ORDERED that Plaintiff may submit a motion for attorney's fees **on or before October 5, 2022**.

IT IS FURTHER ORDERED that, if Plaintiff timely submits a motion for attorney's fees, Defendant City of El Paso may submit a response within two weeks of the date of Plaintiff's filing.

SO ORDERED.

SIGNED this 21st day of September, 2022.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE